

PATENT
Customer No. 22,852
Attorney Docket No. 10760.0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Patrick MOLLER et al.) Group Art Unit: 1795
Application No.: 10/734,223) Examiner: Luan V. VAN
Filed: December 15, 2003)
For: METHOD AND ELECTRODE FOR) Confirmation No.: 8649
DEFINING AND REPLICATING)
STRUCTURES IN CONDUCTING)
MATERIALS)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION FOR ACCEPTANCE OF
AN UNINTENTIONALLY DELAYED PRIORITY CLAIM**

On December 15, 2003, Replisaurus Technologies AB, assignee of the instant application, filed the instant application in the United States intending it to be a National Phase filing of a PCT application that claimed priority from an earlier Swedish application. The Inventor's Declaration mentioned the corresponding PCT application and claimed priority to the Swedish application. In response to the first substantive Office Action questioning priority, Applicant's former representative expressed his understanding that this application was a National Phase application and cited supporting statements in the originally filed Inventor's Declaration. The Examiner never responded to these statements leaving the prosecuting attorney with the impression that the United States Patent Office agreed.

The instant application is now allowed and undersigned new counsel, when checking formalities, discovered that this application was filed with the wrong transmittal form and discovered that despite the written claim for priority, the application was filed with a 37 C.F.R. § 1.53(b) transmittal form instead of the 35 U.S.C. § 371(c) National Phase transmittal form. The attached Declaration, incorporated herein by reference, of the original prosecuting attorney attests to these facts and establishes that any error was unintentional. Inasmuch as the filing error was unintentional, the delay in filing this petition for acceptance of an unintentionally delayed claim for priority was also unintentional and was filed as soon as practicable after the errors were recognized.

Accordingly, Applicant hereby claims priority under 35 U.S.C. § 365(c) to corresponding PCT Application No. PCT/SE02/01179, filed June 17, 2002, which, in turn, claims priority under 35 U.S.C. § 119 and 37 C.F.R. § 1.55 to Swedish Patent Application No. 0102144-3, filed June 15, 2001.

The required fee of \$1410.00 for the acceptance of an unintentionally delayed claim for priority is submitted concurrently herewith.

The following constitutes a statement that the entire delay between the date the priority claim was due and today's date was the result of an unintentional delay. The entire delay between the date that the priority claim to PCT Application No. PCT/SE02/01179 was due and today's date was the result of an unintentional delay.

Accordingly, Applicant respectfully petitions the United States Patent Office to accept its unintentionally delayed claim for priority.

Please charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Travis Banta
60,498

Dated: March 19, 2010

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